United Nations

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General Assembly

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4 November 1999

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Fifty-fourth session
Sixth Committee
Agenda item 158
Establishment of the International Criminal Court

Draft resolution submitted by the Bureau

Establishment of the International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997 and 53/105 of 8 December 1998,

Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998[1] and is open for signature in New York at United Nations Headquarters until 31 December 2000, and taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998,[2]

Noting in particular that the Conference has decided to establish a Preparatory Commission for the Court[3] and that the Commission has held three sessions, from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999,

Bearing in mind the mandate of the Preparatory Commission, as set out in resolution F adopted by the Conference, with regard to the preparation of proposals for practical arrangements for the establishment and coming into operation of the Court, including the finalization before 30 June 2000 of the draft texts of the rules of procedure and evidence and of the elements of crimes,

Recognizing the continuing need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

[1] A/CONF.183/9.
[2] A/CONF.183/10.
[3] Ibid., annex I.

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Emphasizing the need to make the necessary arrangements for the commencement of the functions of the International Criminal Court in order to ensure its effective operation,

Noting that a number of States have deposited their instruments of ratification and that a significant and growing number of States have signed the Statute,

1. *Reiterates* the historic significance of the adoption of the Rome Statute of the International Criminal Court;[1]

2. *Calls upon* all States to consider signing and ratifying the Rome Statute, and encourages efforts aimed at promoting awareness of the results of the Conference and of the provisions of the Rome Statute;

3. *Requests* the Secretary-General to convene the Preparatory Commission, in accordance with resolution F adopted by the Conference,[3] from 13 to 31 March, 12 to 30 June and 27 November to 8 December 2000, to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court;

4. *Also requests* the Secretary-General to make available to the Preparatory Commission secretariat services, including the preparation of working documents if so requested by the Preparatory Commission, to enable it to perform its functions;

5. *Further requests* the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions,[4] to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and for Rwanda;

6. *Notes* that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates;

7. *Encourages* States to make voluntary contributions to the trust funds established pursuant to General Assembly resolutions 51/207 and 52/160, the mandates of which were expanded pursuant to Assembly resolution 53/105, towards meeting the costs of the participation in the work of the Commission of the least developed countries and of those developing countries not covered by the trust fund established in resolution 51/207;

8. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Establishment of the International Criminal Court".

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[4] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204 and 52/6.

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General Assembly

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Fifty-fourth session
Sixth Committee
Agenda item 158
Establishment of the International Criminal Court

Draft resolution submitted by the Bureau

Establishment of the International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997 and 53/105 of 8 December 1998,

Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998[1] and is open for signature in New York at United Nations Headquarters until 31 December 2000, and taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998,[2]

Noting in particular that the Conference has decided to establish a Preparatory Commission for the Court[3] and that the Commission has held three sessions, from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999,

Bearing in mind the mandate of the Preparatory Commission, as set out in resolution F adopted by the Conference, with regard to the preparation of proposals for practical arrangements for the establishment and coming into operation of the Court, including the finalization before 30 June 2000 of the draft texts of the rules of procedure and evidence and of the elements of crimes,

Recalling also, with regard to the future work of the Preparatory Commission and related working groups, the specific arrangements agreed upon by the Commission and referred to in paragraph 8 of the summary of the proceedings of its second session,[4]

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[1] A/CONF.183/9*.
[2] A/CONF.183/10*.
[3] Ibid., annex I.
[4] PCNICC/1999/L.4/Rev.1.

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Recognizing the continuing need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

Emphasizing the need to make the necessary arrangements for the commencement of the functions of the International Criminal Court in order to ensure its effective operation,

Noting that a number of States have deposited their instruments of ratification and that a significant and growing number of States have signed the Statute,

1. *Reiterates* the historic significance of the adoption of the Rome Statute of the International Criminal Court;[1]

2. *Calls upon* all States to consider signing and ratifying the Rome Statute, and encourages efforts aimed at promoting awareness of the results of the Conference and of the provisions of the Rome Statute;

3. *Requests* the Secretary-General to convene the Preparatory Commission, in accordance with resolution F adopted by the Conference,[3] from 13 to 31 March, 12 to 30 June and 27 November to 8 December 2000, to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court;

4. *Also requests* the Secretary-General to make available to the Preparatory Commission secretariat services, including the preparation of working documents if so requested by the Preparatory Commission, to enable it to perform its functions;

5. *Further requests* the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions,[5] to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and for Rwanda;

6. *Notes* that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates;

7. *Encourages* States to make voluntary contributions to the trust funds established pursuant to General Assembly resolutions 51/207 and 52/160, the mandates of which were expanded pursuant to Assembly resolution 53/105, towards meeting the costs of the participation in the work of the Commission of the least developed countries and of those developing countries not covered by the trust fund established in resolution 51/207;

8. *Requests* the Secretary-General to report to the General Assembly at its fifty-fifth session on the implementation of the present resolution;

9. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Establishment of the International Criminal Court".

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[5] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204 and 52/6.

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Fifty-fourth session
Sixth Committee
Agenda item 154
United Nations Decade of International Law

Netherlands and Russian Federation: draft resolution

Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference

The General Assembly,

Reaffirming the commitment of the United Nations and its Member States to the adherence to and the development of international law as a basis for conducting international relations,

Recognizing the historical importance of the 1899 first International Peace Conference for the rule of international law, the peaceful settlement of disputes, the development and codification of international law and the practice of multilateral diplomacy,

Recalling that, in accordance with its previous resolutions,[1] the centennial of the first International Peace Conference coincides with the closing of the United Nations Decade of International Law and could be considered as a third international peace conference,

Recalling also that the United Nations Decade of International Law will be closed at a plenary meeting of the General Assembly on 17 November 1999,

Recalling with gratitude the initiatives[2] for the celebration of the centennial of the first International Peace Conference by the Governments of the Russian Federation and the Kingdom of the Netherlands with regard to the themes of the Conference: development of international law relating to disarmament and arms control, humanitarian law and laws of war, and peaceful settlement of disputes,

Recalling further that these initiatives called for, *inter alia*, discussions on these themes on the basis of in-depth reports at the global, regional and national levels by intergovernmental, governmental, diplomatic, academic and civil society[3] experts at

[1] Resolutions 44/23, 51/157, 52/153 and 53/100.

[2] Resolutions 51/159, 52/154 and 53/99; A/C.6/52/3, A/C.6/53/10, A/C.6/53/11.

[3] cf. The Hague Agenda for Peace and Justice in the Twenty-first Century (A/54/98, annex).

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conferences, seminars and other meetings as well as through the Internet, to be reported on to the General Assembly for consideration at its fifty-fourth session,

Noting that the general outcome of these discussions was that, while progressive development and codification of international law remains important, the furtherance of the rule of international law would best be served by the faithful compliance of States with existing international obligations, focusing more on the timely interpretation of these obligations,

Noting also, that the year 1999 marks the fiftieth anniversary of the adoption of the four Geneva Conventions of 12 August 1949,

Noting further that the Permanent Court of Arbitration was established as a result of the first International Peace Conference in 1899,

Convinced that the legacies of the first International Peace Conference have been enhanced by the centennial initiatives and by the plenary meeting of the General Assembly at the closing of the United Nations Decade of International Law,

1. *Takes note with interest* of the outcome of the centennial of the first International Peace Conference, reported by the co-hosts, the Governments of the Kingdom of the Netherlands and the Russian Federation;[4]

2. *Commends* all who, through their efforts, wisdom and expertise, contributed to the success of the celebration of the centennial of the first International Peace Conference;

3. *Commends* the International Committee of the Red Cross for its work to promote adherence to and compliance with the four Geneva Conventions of 12 August 1949 and other instruments of international humanitarian law;

4. *Congratulates* the Permanent Court of Arbitration on its one hundredth anniversary;

5. *Expresses its appreciation* to the Secretary-General for bringing the outcome of the centennial of the first International Peace Conference to the attention of the relevant international forums;

6. *Invites* States, organs of the United Nations, international organizations and other relevant international forums to take note of the outcome of the centennial of the first International Peace Conference and to consider, where appropriate:

(a) Giving attention to the outcome of the thematic discussions within the sphere of their respective competencies or mandates;

(b) Making use in the future of the format of the discussions of the centennial of the first International Peace Conference in accordance with any relevant rules and procedures;

7. *Invites*:

(a) The Governments of the Russian Federation and the Kingdom of the Netherlands to file the records of the centennial of the first International Peace Conference in their archives and to provide access to these records to interested parties;

(b) All who contributed to the centennial of the first International Peace Conference to file their records in this respect with either of these Governments.

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[4] A/54/381, annex.

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General Assembly

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Fifty-fourth session
Sixth Committee
Agenda item 154
United Nations Decade of International Law

Draft resolution submitted by the Chairperson of the Working Group on the United Nations Decade of International Law

Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference

The General Assembly,

Reaffirming the commitment of the United Nations and its Member States to the adherence to and the development of international law as a basis for conducting international relations,

Recognizing the historical importance of the 1899 first International Peace Conference for the rule of international law, the peaceful settlement of disputes, the development and codification of international law and the practice of multilateral diplomacy,

Recalling that, in accordance with its previous resolutions,[1] the centennial of the first International Peace Conference coincides with the closing of the United Nations Decade of International Law and could be considered as a third international peace conference,

Recalling also that the United Nations Decade of International Law will be closed at a plenary meeting of the General Assembly on 17 November 1999,

Recalling with gratitude the initiatives[2] for the celebration of the centennial of the first International Peace Conference by the Governments of the Russian Federation and the Kingdom of the Netherlands with regard to the themes of the Conference: development of international law relating to disarmament and arms control, humanitarian law and laws of war, and peaceful settlement of disputes,

Recalling further that these initiatives called for, *inter alia*, discussions on these themes on the basis of in-depth reports at the global, regional and national levels by

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* Reissued for technical reasons.

[1] Resolutions 44/23, 51/157, 52/153 and 53/100.

[2] Resolutions 51/159, 52/154 and 53/99; A/C.6/52/3, A/C.6/53/10, A/C.6/53/11.

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intergovernmental, governmental, diplomatic, academic and civil society[3] experts at conferences, seminars and other meetings as well as through the Internet, to be reported on to the General Assembly for consideration at its fifty-fourth session,

Noting that the general outcome of these discussions was that, while progressive development and codification of international law remains important, the furtherance of the rule of international law would best be served by the faithful compliance of States with existing international obligations, focusing more on the timely interpretation of these obligations,

Noting also that the year 1999 marks the fiftieth anniversary of the adoption of the four Geneva Conventions of 12 August 1949,

Noting further that the Permanent Court of Arbitration was established as a result of the first International Peace Conference in 1899,

Convinced that the legacies of the first International Peace Conference have been enhanced by the centennial initiatives and by the plenary meeting of the General Assembly at the closing of the United Nations Decade of International Law,

1. *Takes note with interest* of the outcome of the centennial of the first International Peace Conference, reported by the co-hosts, the Governments of the Kingdom of the Netherlands and the Russian Federation;[4]

2. *Commends* all who, through their efforts, wisdom and expertise, contributed to the success of the celebration of the centennial of the first International Peace Conference;

3. *Commends* the International Committee of the Red Cross for its work to promote adherence to and compliance with the four Geneva Conventions of 12 August 1949 and other instruments of international humanitarian law;

4. *Congratulates* the Permanent Court of Arbitration on its one hundredth anniversary;

5. *Expresses its appreciation* to the Secretary-General for bringing the outcome of the centennial of the first International Peace Conference to the attention of the relevant international forums;

6. *Invites* States, organs of the United Nations, international organizations and other relevant international forums to take note of the outcome of the centennial of the first International Peace Conference and to consider, where appropriate:

(a) Giving attention to the outcome of the thematic discussions within the sphere of their respective competencies or mandates;

(b) Making use in the future of the format of the discussions of the centennial of the first International Peace Conference in accordance with any relevant rules and procedures;

7. *Invites*:

(a) The Governments of the Russian Federation and the Kingdom of the Netherlands to file the records of the centennial of the first International Peace Conference in their archives and to provide access to these records to interested parties;

(b) All who contributed to the centennial of the first International Peace Conference to file their records in this respect with either of these Governments.

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[3] cf. The Hague Agenda for Peace and Justice in the Twenty-first Century (A/54/98, annex).

[4] A/54/381, annex.

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Fifty-fourth session
Sixth Committee
Agenda item 154
United Nations Decade of International Law

Draft resolution submitted by the Chairperson of the Working Group on the United Nations Decade of International Law

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to its resolution 44/23, should be, *inter alia*:

(a) To promote acceptance of and respect for the principles of international law,

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice,

(c) To encourage the progressive development of international law and its codification,

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Noting the conclusion of the United Nations Decade of International Law,

Reaffirming its resolution 53/101 of 8 December 1998, entitled "Principles and guidelines for international negotiations", adopted within the framework of the Decade,

Greatly encouraged by the significant achievements in the development and promotion of international law which occurred during the Decade, which has contributed to the strengthening of the rule of international law,

Recognizing that the establishment of the International Tribunals for the former Yugoslavia and for Rwanda in 1993 and 1994, respectively, the establishment of the International Tribunal for the Law of the Sea in 1996 and the adoption of the Rome Statute of the International Criminal Court in 1998 constitute significant events within the Decade,

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Recognizing also efforts made during the Decade by Legal Advisers of the Ministries of Foreign Affairs worldwide to create a common understanding of their role through annual informal consultations at the Headquarters of the United Nations,

Convinced that the end of the Decade affords the international community an opportunity to reflect on those achievements and that States, international organizations and educational institutions should continue to encourage and promote activities in the legal field aimed at contributing to its main purposes,

Convinced also of the need to continue aiming towards the implementation of the main purposes of the Decade,

Welcoming the significant increase in the recourse to the International Court of Justice by States for the settlement of disputes,

Noting that international humanitarian law has been an important topic during the United Nations Decade of International Law, and mindful of the contributions made in this field by the International Committee of the Red Cross and the International Red Cross and Red Crescent Movement Conferences,

Noting also that the year 1999 marks the fiftieth anniversary of the adoption of the four Geneva Conventions of 12 August 1949,

Expressing its appreciation to the Governments of the Russian Federation and the Kingdom of the Netherlands for their efforts in realization of the programme of action dedicated to the centennial of the first International Peace Conference which could be regarded as a significant contribution to the United Nations Decade of International Law,

Taking note with interest of the consideration of the outcome of the actions dedicated to the 1999 centennial of the first International Peace Conference in the plenary meeting of the General Assembly held during its fifty-fourth regular session,

Expressing its gratitude to the rapporteurs and all organizations, groups and individuals who contributed to the discussion of the centennial themes,

Having considered the report of the Secretary-General,[1] and expressing its appreciation therefor,

Noting the deposit by the Secretary-General, on 21 December 1998, of an act of formal confirmation, on behalf of the United Nations, of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986,

Welcoming the progress that has been made towards eliminating the backlog in the publication of the United Nations *Treaty Series* by the implementation of a plan to be completed in 2001, and stressing the need for the elimination of such a backlog, as well as for a comprehensive electronification of the work of the Treaty Section of the Office of Legal Affairs of the Secretariat,

Recalling that, at the forty-fifth session of the General Assembly, the Sixth Committee established the Working Group on the United Nations Decade of International Law,

Noting that the Working Group continued its work during the fifty-fourth session in accordance with resolution 53/100,

Having considered the oral report of the Chairperson of the Working Group to the Sixth Committee,

[1] A/54/362 and Add.1.

1. *Expresses its appreciation* for the work done by the Working Group on the United Nations Decade of International Law;

2. *Acknowledges* that the Decade has contributed significantly to the strengthening of the rule of international law;

3. *Reaffirms* the continued validity of the main objectives of the Decade, the fulfilment of which is essential to achieve the purposes of the United Nations;

4. *Expresses its appreciation* to States and international organizations and institutions that have undertaken activities in the implementation of the programme for the activities for the final term (1997-1999) of the Decade;

5. *Requests* the Secretary-General to continue developing the Treaty Section electronic database, with a view to providing Member States expeditiously with a wider range of easily accessible treaty-related information on the electronic medium, and to keep the list, now available on the Internet, of the titles of the multilateral treaties deposited with him updated in all official languages of the Organization;

6. *Urges* States and international organizations, in particular depositaries, to continue assisting the Secretariat of the United Nations in its efforts to expedite the registration of treaties and their publication by providing it with paper copies of treaties, or electronic copies, including maps, for registration and, wherever possible, translations of treaties in English or French;

7. *Requests* the Secretary-General to implement vigorously the plan to eliminate the backlog in the publication of the United Nations *Treaty Series*, and highlights, in this context, the relevance of timely translations;

8. *Expresses its appreciation* to the Office of Legal Affairs of the Secretariat for the establishment during the Decade of various Internet Web sites and the United Nations Audiovisual Library in International Law, and takes note of its efforts to maintain those sites and the Library;

9. *Notes* the publication by the Office of Legal Affairs of the Secretariat of the *Collection of Essays by Legal Advisers of States, Legal Advisers of International Organizations and Practitioners in the Field of International Law* and its intention to issue in 2000 two publications entitled *International Instruments related to the Prevention and Suppression of International Terrorism* and *The United Nations and the Development of International Law during the 1990s* to highlight the work accomplished in this area during the Decade;

10. *Invites* States, organs of the United Nations, international organizations and other relevant international forums to continue to give attention to the themes and outcome of the centennial of the first International Peace Conference;

11. *Congratulates* the Permanent Court of Arbitration on its one hundredth anniversary, commends that organization for its role in the international system of peaceful dispute resolution, and invites States to consider making full use of the facilities of the Court and to support its work;[2]

12. *Expresses its appreciation* to the International Committee of the Red Cross for the activities undertaken in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

[2] A/54/381, annex, para. 9.

13. *Invites* States and international organizations to continue promoting the acceptance of and respect for the rules and principles of international law;

14. *Welcomes* the achievements during the Decade in the codification and progressive development of international law, and calls upon States, in order to contribute further to the rule of international law, to consider, if they have not yet done so, becoming parties to the multilateral treaties adopted during the Decade, including those listed in the annex to the report of the Secretary-General;[1]

15. *Invites* States and international organizations to continue promoting the strengthening of the use of means and methods of peaceful settlement disputes;

16. *Invites* States to continue to pay attention to the identification of areas of international law that might be ripe for progressive development or codification, and to promote discussion thereon in the competent forums;

17. *Invites* States and international organizations to continue encouraging the publication of books or other materials on subjects of international law and the holding of symposia, conferences, seminars or other meetings aimed at promoting a wider appreciation of international law;

18. *Invites* States to continue encouraging educational institutions to introduce or increase the number of courses of international law;

19. *Requests* the Secretary-General to bring the present resolution to the attention of States, international organizations and institutions working in the field of international law;

20. *Decides* to continue considering developments in the progress made in the implementation of the purposes of the Decade beyond its conclusion, in the framework of the agenda item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".